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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/695,352

10/29/2003

Youn-Gun Jung

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09/29/2005

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EXAMINER

EVANISKO, LESLIE J

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/695,352	Applicant(s) JUNG ET AL. <span style="float: right;">(PM)</span>	
	Examiner Leslie J. Evanisko	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/10/05 & 07/11/05.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-26 is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/29/03 & 11/12/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                                  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)              |
| Paper No(s)/Mail Date _____   | 6) <input checked="" type="checkbox"/> Other: <u>partial translation of JP 5-124284A</u> |

### **DETAILED ACTION**

#### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 10, 2005 has been entered.

#### ***Drawings***

2. The replacement sheet of drawings was received on November 12, 2004. These drawings are approved by the Examiner.

#### ***Allowable Subject Matter***

3. Claims 7-26 are allowed.

Note the previous comments set forth in the Office Action dated August 11, 2004 with regards to the reasons for indicating allowable subject matter with respect to claims 7 and 23.

4. The indicated allowability of claims 1-2 and 4 is withdrawn in view of the newly discovered reference(s) to Konishi (JP 05-124284 A), Chiba et al. (JP 63-

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165247 A), and Nakai (US 5,820,282). Rejections based on the newly cited reference(s) follow:

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Konishi (JP 05-124284 A). Konishi teaches a paper discharge unit used with an inkjet printer which ejects a sheet Y of paper on which image printing is completed by an ink cartridge 6 having a nozzle part 8 out of a printer main body, comprising a paper discharge roller 12 rotatably mounted in the printer main body to feed the sheet Y out of the printer main body and a paper discharge guide 13, 14 disposed between the paper discharge roller 12 and a paper discharge opening (located after rollers 17, 18 near output tray 19) which is formed in one side of the printer main body, the paper discharge guide

guiding a front end of the sheet upward just after the front end is ejected from the paper discharge roller so as to prevent a rear end portion of the sheet from being lifted toward the nozzle part of the ink cartridge. See, Figure 1, the English language abstract, and the partial English language machine translation attached to this Office Action. Although the printer main body is not specifically shown in the Figures of Konishi, note Konishi states the transport path 1 is formed in the interior of the equipment frame in paragraph [0011] of the partial translation. Since the roller 12 and guide 13, 14 are structure that make up the transport path 1, these structures are inherently located in the interior of the equipment frame (i.e., printer main body).

With respect to claim 2, note the paper discharge guide 13 of Konishi includes an upper end portion which is placed higher than contact surfaces of the paper discharge roller 12 and the sheet Y.

7. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Chiba et al. (JP 63-165247 A). Chiba et al. teach a paper discharge unit used with an inkjet printer which ejects a sheet of paper S on which image printing is completed by an ink cartridge 101 having a nozzle part 101A out of a printer main body 1, comprising a paper discharge roller 215 rotatably mounted in the printer main body 1 to feed the sheet out of the printer main body and a paper discharge guide 201, 201B disposed between the paper discharge roller 215 and a paper discharge opening which is formed in one side of the printer main

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body, the paper discharge guide guiding a front end of the sheet upward just after the front end is ejected from the paper discharge roller so as to prevent a rear end portion of the sheet from being lifted toward the nozzle part of the ink cartridge. See, in particular, Figures 3, 5, and 6 and the English language abstract.

With respect to claim 2, note the paper discharge guide 201B in Figures 5 and 6 of Chiba et al. includes an upper end portion which is placed higher than contact surface of the paper discharge roller 215 and the sheet S.

8. Claim 4 is rejected under 35 U.S.C. 102(b) as being anticipated by Nakai (US 5,820,282). Nakai teaches a paper discharge unit used with an inkjet printer which ejects a sheet of paper P on which image printing is completed by an ink cartridge 5b having a nozzle part 5a out of a printer main body 2, 3, comprising a paper discharge roller 18 rotatably mounted in the printer main body to feed the sheet P out of the printer main body 2, 3, a paper discharge opening formed in one side of the printer main body, and a paper discharge guide 23, 26, 35, 36 adjacent to the paper discharge opening and protruding from an outer wall of the printer main body, the paper discharge guide having an upper end portion 23a, 26a, 36, 37 which is placed higher than contact surfaces of the paper discharge roller 18 and the sheet P, wherein the paper discharge guide guides a front end of the sheet upward just after the front end is ejected from the paper discharge roller so as to prevent a rear end portion of

the sheet from being lifted toward the nozzle part of the ink cartridge. See, in particular, the various embodiments shown in Figures 2-16 as well as column 10, line 62 through column 11, line 3. Note the paper discharge guide of Nakai can be considered to be protruding from an outer wall of the printer main body in that the discharge guide is inherently mounted on a printer main body (or frame) in some way and further the discharge guide clearly “protrudes” from an outer wall of the printer main body as shown in the Figures.

9. Claims 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 6,669,191 B2)

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

Lee teaches a paper discharge unit used with an inkjet printer which ejects a sheet out of a printer main body comprising a paper discharge roller 20 rotatably mounted in the printer main body to feed the sheet out of the printer main body, a paper discharge guide 35 pivotably mounted between the paper discharge roller and a paper discharge opening which is formed in one side of

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the printer main body, to guide the bottom face of the sheet ejected from the paper discharge roller, and a driving unit 40, 50, 60 to pivot the paper discharge guide in order for an upper end portion of the paper discharge guide to be disposed higher than a contact surface between the paper discharge roller and the sheet as the sheet is being discharged from the paper discharge roller. See Figures 2 and 4 in particular. Note that although Lee does not specifically show the printer main body and the paper discharge opening, note Lee describes the location of the paper discharge opening in the printer main body as being located somewhere between the discharge roller 20 and the sheet stacker 10, as described in column 3, lines 9-31 in particular. Therefore, the discharge guide 35 (or at least a portion thereof) having the pivoting motion as shown in Figures 2 and 4 can be considered to be "pivotably mounted between the paper discharge roller and a paper discharge open formed in one side of the printer main body" as recited.

With respect to claim 6, note the paper discharge unit of Lee includes a support member 33 supporting the paper discharge guide 35, rotating members 31 rotatably mounted in the printer main body and supporting the support member and a rotating unit 50 rotating the rotating members so the paper discharge guide ascends and descends in association with the sheet feeding.



### ***Response to Arguments***

10. Applicant's arguments with respect to claims 5-6 have been considered but are not persuasive of any error in the above rejections.

Specifically, applicant appears to be arguing that Lee fails to teach a paper discharge opening which is formed in one side of the printer main body. However, the Examiner disagrees with this argument. In particular, it is noted that Lee describes a paper discharge opening formed in one side of a printer main body in column 3, lines 9-31. From the context of the specification, it is clear that the paper discharge opening is formed between the paper discharge roller 20 and the sheet stacker 10. Furthermore, the paper discharge guide 35 of Lee follows the pivoting motion shown in Figures 2 and 4 and described in column 3, lines 24-28 and would therefore clearly be pivotably mounted between the paper discharge roller 20 and the paper discharge opening as recited.

In view of the above reasoning, the Examiner is not persuaded of any error in the above rejections.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsuo et al. (JP 2003-326788 A) teach an ink jet


printer including a paper discharge unit having obvious similarities to the claimed subject matter.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

lje  
September 27, 2005

  
Leslie J. Evanisko  
Primary Examiner  
Art Unit 2854